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PRACTITIONER'S DOCKET NO. 67114/99-156

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Paul David MOONEY  
Application No.: 09/477,572  
Filed: 01/04/2000  
For: Catheter Including Textured Interface

Group No.: 3762  
Examiner: M. Mendez

Box RCE  
Commissioner for Patents  
Washington, D.C. 20231

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FEB 12 2003

TECHNOLOGY CENTER R3700

REQUEST FOR CONTINUED EXAMINATION (RCE)  
(37 C.F.R. 1.114)

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. Section 1.114, for the above identified application.

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CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) AND 1.10  
(When using Express Mail, the Express Mail label number is **mandatory**;  
Express Mail certification is **optional**.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to Box RCE, Commissioner for Patents, Washington, D.C. 20231.

37 C.F.R. Section 1.8(a)

37 C.F.R. Section 1.10

with sufficient postage as first class mail.  as "Express Mail Post Office to Addressee" Mailing Label No. EV132686645US (mandatory)

TRANSMISSION

facsimile transmitted to the Patent and Trademark Office (703) \_\_\_\_\_.

Date: February 4, 2003

Nancy J. Moore  
Signature

NANCY J. MOORE

(type or print name of person certifying)

(Request for Continued Examination (RCE))--page 1 of 6

**WARNING:** 35 U.S.C. 132(b) and Section 1.114 provide for the continued examination of an application and not examination of a continuing application). Accordingly, the Office will not permit an applicant to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined. Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

**WARNING:** A continued examination request cannot be made if at least one office action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 161 has not been mailed. The provisions of 37 C.F.R. 1.114 also do not apply (1) to a provisional application, an application for a utility or plant patent filed under 35 U.S.C. 111(a); (2) an international application filed under 35 U.S.C. 363 before June 8, 1995; (3) a patent under reexamination; or (4) an application for a design patent. 37 C.F.R. Section 1.114(d).

**NOTE:** There is no limit to the number of times the fee for continued examination may be submitted. Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

**NOTE:** Unlike a continuation application, a continued examination request can utilize the mailing procedure of 37 C.F.R. 1.8. See 37 C.F.R. Section 1.8(a)(2)(i)(A).

## TIME REQUEST IS BEING MADE

2. This request is being submitted (*check appropriate item(s) below*):

- i.  Prior to abandonment of the application
- ii.  Payment of the issue fee
  - Prior to payment of issue fee
  - Issue fee has been paid but a petition under Section 1.313 has been granted
- iii.  Prior to a decision on appeal to the Board of Patent Appeals & Interferences
  - A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.
- iv.  Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or
  - Commencement of a civil action under 35 U.S.C. 146
  - Prior to the filing of such appeal or commencement of civil action
  - Such appeal or commencement of civil action has been terminated

**NOTE:** If such a notice is not sent to the Board, they may refuse to vacate a decision rendered after the filing of the RCE but before recognition by the Office of the RCE request under Section 1.114.

## ENCLOSURES

3. Enclosed herewith is/are:

**WARNING:** *If reply to a final or non-final Office action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of Section 1.111. 37 C.F.R. Section 1.114(b).*

- An information disclosure statement (37 C.F.R. Section 1.98)
  - Form PTO-1449 (PTO/SB/08A and 08B)
- An amendment
- New arguments
- New evidence in support of patentability
- Other:

## FEE FOR REQUEST (37 C.F.R. Section 1.17(e)).

4. This application is on behalf of:

- Small entity \$375.00
- Other than a small entity \$740.00

Continued Prosecution Request Fee \$375.00

## FEE FOR CLAIMS

**NOTE:** *"The fee for continued examination under Section 1.114 (Section 1.17(e)) does not include additional claims fee (cf. 1.53 (d)(3)(ii))." See Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.*

*37 C.F.R. 1.53(d)(3) : "The filing fee for a continued prosecution application filed under this paragraph is:*

- (i) The basic filing fee as set forth in Section 1.16; and*
- (ii) Any additional Section 1.16 fee due based on the number of claims remaining in the application after entry of any amendment accompanying the request for an application under this paragraph and entry of any amendments under Section 1.116 unentered in the prior application which applicant has requested to be entered in the continued prosecution application."*

5. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below:

(Col.1)	(Col. 2)	(Col. 3)	SMALL ENTITY	OTHER THAN A SMALL ENTITY		
Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee	OR	Addit. Fee
Total	15	Minus	20	= 0	x \$9 =	\$
Indep.	3	Minus	3	= 0	x \$42 =	\$
[ ] First Presentation of Multiple Dependent Claim + \$140 = \$				+ \$280 = \$		
		<b>Total</b>	<b>\$00.00</b>	<b>OR</b>	<b>Total</b>	<b>\$</b> <u>          </u>
		<b>Addit.</b>			<b>Addit. Fee</b>	
		<b>Fee</b>				

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3,
- \*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".
- \*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** See 37 C.F.R. Section 1.116.

(complete (c) or (d), as applicable)

(c)  No additional fee is required.

**OR**

(d)  Total additional fee required is \$ \_\_\_\_\_.

### **EXTENSION OF TIME**

(If an extension of time is appropriate complete (a) or (b), as applicable)

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. Section 1.136(a) apply.

(a)  Applicant petitions for an extension of time, the fees for which are set out in

37 C.F.R. Section 1.17(a)(1)-(4), for the total number of months checked below:

<u>Extension for (months)</u>	<u>Fee for small entity</u>	<u>Fee for other than small entity</u>
[ ] one month	\$ 55	\$ 110
[ ] two months	\$200	\$ 400
[ ] three months	\$460	\$ 920
[ ] four months	\$720	\$1,440
	Fee	\$ _____

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

[ ] An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

**OR**

(b) [X] Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

#### **TOTAL FEE(S) DUE**

**WARNING:** *The fee for continued examination under Section 1.114 may not be deferred. 37 C.F.R. Section 1.53(f).*

7. The total fee(s) due is/are:

Continued Prosecution Fee (Section 1.17(e))	\$ <u>375.00</u>
Fee(s) for additional claims (if any) (Section 1.16(b)-(d))	\$ _____
Extension of time fee (if any) (Section 1.17(a)(1)-(4))	\$ _____
Total Fee(s) Due:	\$ <u>375.00</u>

## PAYMENT OF FEE(S) DUE

8. Please pay the fee(s) for this continued examination application as follows:

Check is attached for the sum of \$ 375.00

Charge Account        the sum of \$       

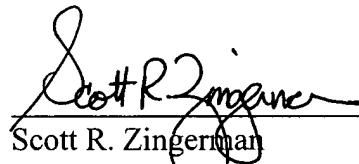
Charge Credit Card the sum of \$         
(Credit Card Payment Form (PTO-2038) attached.)

Please charge any required additional fee(s) for Section 1.17(e), Section 1.16(b)-(d) and/or Section 1.17(a)(1)-(4) to

Account 06-0540

Credit Card (Credit Card Payment Form (PTO-2038) attached.)

Respectfully submitted,



Scott R. Zingerman  
FELLERS, SNIDER, BLANKENSHIP,  
BAILEY & TIPPENS, P.C.  
321 South Boston, Suite 800  
Tulsa, OK 74103-3318

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02-05-03

RCE/3100  
PATENT

Practitioner's Docket No. 67114/99-156

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Paul David MOONEY, Jr.

Application No.: 09/477,572

Filed: 01/04/2000

For: Catheter Including Textured Interface

Group No.: 3762

Examiner: M. Mendez

Commissioner for Patents

Washington, D.C. 20231

Attention: Board of Patent Appeals &amp; Interferences

FEB 07 2003

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## REQUEST FOR WITHDRAWAL OF APPEAL

## NOTICE OF FILING OF REQUEST FOR CONTINUED EXAMINATION (RCE)

(37 C.F.R. § 1.114)

Applicant hereby notifies the Board of Appeals that a request for continued examination has been filed in this application.

Withdrawal of this appeal is made and it is requested that no decision be rendered in this appeal.

Date: February 4, 2003

A handwritten signature of Scott R. Zingerman.

Signature of Practitioner

Reg. No.: 35,422  
Tel. No.: (918) 599-0621  
Customer No.: 22206

Scott R. Zingerman  
FELLERS, SNIDER, BLANKENSHIP,  
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321 South Boston, Suite 800  
Tulsa, OK 74103-3318

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CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*  
(When using Express Mail, the Express Mail label number is **mandatory**;  
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A handwritten signature of Nancy J. Moore.

Signature

NANCY J. MOORE

(type or print name of person certifying)

Date: February 4, 2003

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.